

REMARKS

Claims 1-49 are currently pending in the subject application and are presently under consideration.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-49 Under 35 U.S.C. §103(a)

Claims 1-49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gustafsson *et al.* (US 6,067,413) in view of Dyer (“Java Decompiles compared,” Java World, 7/1997). Applicant’s representative respectfully requests withdrawal of these rejections for at least the following reasons. Neither Gustafsson *et al.* nor Dyer *et al.* teach or suggest all the limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j). The ***teaching or suggestion to make the claimed combination*** and the reasonable expectation of success ***must both be found in the prior art and not based on applicant’s disclosure***. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The claimed invention facilitates translation between high level, low level and intermediate level language codes in multiple platforms and between computers and devices. This is facilitated by a language-neutral representation as well as interfaces which help convert as per corresponding representation. In particular, independent claim 1 (and similarly in independent claims 14, 23, 32, 36, 40, 43 and 47-48) recites “***A language-neutral representation of a compile unit transformable to at least one of a plurality of different types of code representations, ... a hierarchal arrangement of program elements that neutrally characterize***

the compile unit.” None of the cited references teach or suggest such a novel aspect of applicant’s claimed invention.

Gustafsson *et al.* is directed to incorporating a mixture of languages in a single given software program. This is achieved by enabling the compilers of the languages to allow each other access to their internal data. The congruency of certain languages, which show marked similarities in their syntax, is made use of in the categorization of the data structures. In the portion of the prior art reference cited by the Examiner, the internal data is shared by making use of a common persistent Compiler Symbol Table, wherein all the semantics are stored in an object model. In contrast, the subject claims makes use of the hierarchial arrangement of program constructs to neutrally represent the program elements of the source program. The format options necessary for representation of target program correspond with the hierarchy of the program elements associated with the language-neutral representation. Gustafsson *et al.* fails to disclose ***“hierarchal arrangement of program elements that neutrally characterize the compile unit.”***

Furthermore, Dyer et al. relates to comparison of Java decompilers and is restricted to conversion of codes from low level to high level language for a single language, Java. Dyer et al. is silent with respect to ***“hierarchal arrangement of program elements that neutrally characterize the compile unit.”***

In view of the foregoing, it is readily apparent that the cited references either alone or in combination do not teach or suggest Applicants’ invention as recited in independent claims 1,14, 23, 32, 36, 40, 41, 43, 47 , 48 and (and all claims which respectively depend there from). Therefore it is respectfully requested that this rejection should be withdrawn

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP194US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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